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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BERNADINE GRIFFITH; et al.,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

TIKTOK, INC., a corporation;
BYTEDANCE, INC., a corporation

Defendants.

Case No. 5:23-cv-00964-SB-E

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
CLASS CERTIFICATION**

JUDGE: Hon. Stanley Blumenfeld, Jr.
DATE: August 16, 2024
COURTROOM:
U.S. Courthouse
350 West 1st Street
Los Angeles, CA 90012
Courtroom 6C

1 PLEASE TAKE NOTICE that on August 16, 2024, in the courtroom of the
2 Honorable Stanley Blumenfeld, Jr. of the United States District Court for the Central
3 District of California, Courtroom 6C, United States Courthouse, 350 West 1st Street,
4 Los Angeles, CA 90012, Plaintiffs will and hereby do move pursuant to Rule 23 of
5 the Federal Rules of Civil Procedure for an order certifying the following classes:

- 6 • **Class 1: Nationwide Pixel Class**: All natural persons residing in the United States
7 who visited a website using the TikTok Pixel from March 2022 to the present, and
8 who have never been registered users of the TikTok app or held any TikTok
9 account.
- 10 • **Subclass 1: California Pixel Subclass**: All natural persons residing in the state
11 of California who visited a website using the TikTok Pixel from March 2022 to
12 the present, and who have never been registered users of the TikTok app or held
13 any TikTok account.
- 14 • **Class 2: Nationwide Pixel and Events API Class**: All natural persons residing
15 in the United States who visited a website using the TikTok Pixel and whose
16 server uses the TikTok Events API from March 2022 to the present, and who have
17 never been registered users of the TikTok app or held any TikTok account.
- 18 • **Subclass 2: California Pixel and Events API Subclass**: All natural persons
19 residing in the state of California who visited a website using the TikTok Pixel
20 and whose server uses the TikTok Events API from March 2022 to the present,
21 and who have never been registered users of the TikTok app or held any TikTok
22 account.
- 23 • **Class 3: Nationwide Pixel Cookie-Blocking Class**: All natural persons residing
24 in the United States who visited a website using the TikTok Pixel from March
25 2022 to the present, who have never been registered users of the TikTok app or
26 held any TikTok account, and who had web browser or system settings turned on
27 to block third-party cookies.
28

- 1 • **Subclass 3: California Pixel Cookie-Blocking Subclass**: All natural persons
2 residing in the state of California who visited a website using the TikTok Pixel
3 from March 2022 to the present, who have never been registered users of the
4 TikTok app or held any TikTok account, and who had web browser or system
5 settings turned on to block third-party cookies.
- 6 • **Class 4: Nationwide Pixel and Events API Cookie-Blocking Class**: All natural
7 persons residing in the United States who visited a website using the TikTok Pixel
8 and whose server uses the TikTok Events API from March 2022 to the present,
9 who have never been registered users of the TikTok app or held any TikTok
10 account, and who had web browser or system settings turned on to block third-
11 party cookies.
- 12 • **Subclass 4: California Pixel and Events API Cookie-Blocking Subclass**: All
13 natural persons residing in the state of California who visited a website using the
14 TikTok Pixel and whose server uses the TikTok Events API from March 2022 to
15 the present, who have never been registered users of the TikTok app or held any
16 TikTok account, and who had web browser or system settings turned on to block
17 third-party cookies.
- 18 • **Class 5: Nationwide ECPA Class**: All natural persons residing in the United
19 States who have never been registered users of the TikTok app or held any TikTok
20 account, and, from March 2022 to the present, visited a website using the TikTok
21 Pixel but without “Search” as an optional event from the TikTok Pixel
22 configuration menu.
- 23 • **Subclass 5: California ECPA Subclass**: All natural persons residing in the state
24 of California who have never been registered users of the TikTok app or held any
25 TikTok account, and, from March 2022 to the present, visited a website using the
26 TikTok Pixel but without “Search” as an optional event from the TikTok Pixel
27 configuration menu.
28

1 In the alternative, Plaintiffs will and hereby do move pursuant to Rule 23 of
2 the Federal Rules of Civil Procedure for an order certifying the following classes:

- 3 • **Class 6: The Rite Aid Nationwide Class**: All natural persons residing in the
4 United States who visited the Rite Aid website from March 2022 to the present,
5 and who have never been registered users of the TikTok app or held any TikTok
6 account.
- 7 • **Subclass 6: The Rite Aid California Subclass**: All natural persons residing in
8 the state of California who visited the Rite Aid website from March 2022 to the
9 present, and who have never been registered users of the TikTok app or held any
10 TikTok account.
- 11 • **Class 7: The Hulu Nationwide Class**: All natural persons residing in the United
12 States who visited the Hulu website from March 2022 to the present, and who
13 have never been registered users of the TikTok app or held any TikTok account.
- 14 • **Subclass 7: The Hulu California Subclass**: All natural persons residing in the
15 state of California who visited the Hulu website from March 2022 to the present,
16 and who have never been registered users of the TikTok app or held any TikTok
17 account.
- 18 • **Class 8: The Etsy Nationwide Class**: All natural persons residing in the United
19 States who visited the Etsy website from March 2022 to the present, and who have
20 never been registered users of the TikTok app or held any TikTok account.
- 21 • **Subclass 8: The Etsy California Subclass**: All natural persons residing in the
22 state of California who visited the Etsy website from March 2022 to the present,
23 and who have never been registered users of the TikTok app or held any TikTok
24 account.
- 25 • **Class 9: The Upwork Nationwide Class**: All natural persons residing in the
26 United States who visited the Upwork website from March 2022 to the present,
27 and who have never been registered users of the TikTok app or held any TikTok
28 account.

- 1 • **Subclass 9: The Upwork California Subclass**: All natural persons residing in
2 the state of California who visited the Upwork website from March 2022 to the
3 present, and who have never been registered users of the TikTok app or held any
4 TikTok account.
- 5 • **Class 10: The Sweetwater Nationwide Class**: All natural persons residing in the
6 United States who visited the Sweetwater website from March 2022 to the present,
7 and who have never been registered users of the TikTok app or held any TikTok
8 account.

9 Plaintiffs also move the Court to appoint Plaintiffs Bernadine Griffith, Patricia
10 Shih, and Jacob Watters as class representatives for the above classes in the following
11 manner:

	Griffith	Shih	Watters
1. Nationwide Pixel Class	✓	✓	✓
California Pixel Subclass	✓	✓	
2. Nationwide Pixel and Events API Class	✓	✓	✓
California Pixel and Events API Subclass	✓	✓	
3. Nationwide Pixel Cookie-Blocking Class	✓	✓	✓
California Pixel Cookie-Blocking Subclass	✓	✓	
4. Nationwide Pixel and Events API Cookie-Blocking Class	✓	✓	✓
California Pixel and Events API Cookie-Blocking Subclass	✓	✓	
5. Nationwide ECPA Class	✓	✓	✓
California ECPA Subclass	✓	✓	
6. Rite Aid Nationwide Class	✓		
Rite Aid California Subclass	✓		
7. Hulu Nationwide Class	✓	✓	

Hulu California Subclass	✓	✓	
8. Etsy Nationwide Class	✓	✓	✓
Etsy California Subclass	✓	✓	
9. Upwork Nationwide Class		✓	
Upwork California Subclass		✓	
10. Sweetwater Nationwide Class			✓

Plaintiffs further move the Court to appoint the following firms as co-lead class counsel: (1) Bird, Marella, Rhow, Lincenberg, Drooks & Nessim, LLP; (2) Glancy Prongay & Murray LLP, and (3) Susman Godfrey LLP.

This motion is based upon this Notice of Motion and Motion; the concurrently filed Memorandum of Points and Authorities; the declarations and exhibits concurrently submitted; the pleadings, documents, and records on file in this action; any argument that may be presented to the Court on this motion; and such other matters as the Court deems appropriate.

This motion is made following the conference of counsel pursuant to the meet and confer requirements of Local Rule 7-3 that took place on June 14, 2024.

Dated: June 21, 2024

By: /s/ Ekwon E. Rhow

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PROOF OF SERVICE BY ELECTRONIC POSTING

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On June 21, 2024, I caused to be served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Central District of California, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 21, 2024, at New York, NY.

/s/ Y. Gloria Park
Y. Gloria Park